

**Village of Cold Spring
Zoning Board of Appeals
85 Main Street, Cold Spring, NY 10516**

March 12, 2014

The Zoning Board of Appeals of the Village of Cold Spring held a meeting on Wednesday, March 12, 2014 at 7:00 pm at the Butterfield Memorial Library, 10 Morris Avenue, Cold Spring, NY.

Attending Board members were Chairman Donald Mac Donald, Marie Early, Greg Gunder, alternate Alison Anthoine, and attorney Nancy Tagliaferro from Hogan & Rossi, counsel for the Village. Absent were Ed Murphy and John Martin.

Ms. Early read the Legal Notice posted in the March 5th edition of the PCN&R stating the date, time and location of this meeting.

A draft **Resolution, 01-2014**, regarding the Appeal of Susan Peehl and Andrew Hall, residing on Fair Street, appealing the issuance of a Certificate of Occupancy for a shed in the rear yard of 14 Stone Street, was submitted by Attorney Nancy Tagliaferro. The Board reviewed it and made additions and corrections to it.

A recess was taken at 7:40 pm. The meeting reconvened at 7:45 pm.

After completing the review of the Resolution, it was read in its entirety with the recommended changes.

“....that the Cold Spring Zoning Board of Appeals hereby finds that the Applicants have established that Certificate of Occupancy # 2011-06-17 CO02 dated September 5, 2012 issued to Paul Henderson and Beth Sigler regarding real property located at 14 Stone Street, Village of Cold Spring, was issued in error because the Replacement Shed was constructed to increase the nonconformity of the side yard setbacks in violation of §134-19(H) of the Village Code, and is hereby revoked; and it is

FURTHER RESOLVED, that the Applicants failed to meet their burden of proof with all of their remaining allegations”.

At this time, Ms. Early explained to Mr. Henderson that he now had the option to go to the Building Inspector and request a Building Permit. This Building Permit would be declined and he would be advised to go before the Zoning Board of Appeals to legalize the shed by requesting a variance for the side yard setback.

Ms. Early made a motion to accept the Resolution as amended, seconded by Mr. Gunder.

The vote on the foregoing Resolution was as follows:

Greg Gunder voted yes
Donald Mac Donald voted yes
Alison Anthoine voted yes
Marie Early voted yes.

The Motion was carried unanimously. Resolution 01-2014 is approved this day, March 12, 2014.

As soon as the above draft Resolution 01-2014 with the approved amended changes is finalized, it will be posted on the Village website.

The next meeting of the ZBA will be on Wednesday, March 26, 2014 beginning at 7:00 pm at the Village Hall, 85 Main Street, Cold Spring, NY with the Historic District Review Board joining the meeting at

8:00 pm. The joint meeting is to discuss the way in which notice is given for affected parties during an appeal on an adjacent parcel, i.e. USPS mailings, identification of affected parties, and signage.

The Zoning Board of Appeals approved the minutes as follows:

September 12, 2013 – Mr. Gunder made a motion to accept these minutes as amended, seconded by Ms. Anthoine and approved unanimously. Motion carried.

October 03, 2013 – Ms. Anthoine made a motion to accept these minutes as amended, seconded by Ms. Early and approved unanimously. Motion carried.

October 17, 2013 – Mr. Gunder made a motion to accept these minutes as amended, seconded by Ms. Early and approved unanimously. Motion carried.

February 10, 2014 – Ms. Anthoine made a motion to accept these minutes as amended, seconded by Mr. Gunder and approved unanimously. Motion carried.

February 21, 2014 – Ms. Anthoine made a motion to accept these minutes as amended, seconded by Ms. Early and approved unanimously. Motion carried.

Public Comment:

Susan Peehl stated that she was not pleased with the way the ZBA conducted its meeting regarding the appeal for 14 Stone Street.

A motion to adjourn the meeting was made by Mr. Gunder, seconded by Ms Anthoine.

Meeting Adjourned at 8:37 pm.

Respectfully submitted

Sandra L. Falloon

Donald MacDonald, Chair for the Zoning Board of Appeals

Date